

THE COURT HAS BEGUN ACCEPTING INFORMAL APPLICATIONS FOR CM/ECF. IN LATE JANUARY, THE COURT WILL CONTACT THOSE ATTORNEYS WHO HAVE BEEN SELECTED FOR THE “FIRST WAVE” OF TRAINING. IN THE MEANTIME, THESE PROCEDURES ARE BEING PROVIDED FOR INFORMATION ONLY.

I. Eligibility and Registration

- A. Attorneys admitted to the Federal Bar for the District of South Dakota and individuals employed by such an attorney who regularly file documents with the Court may apply to file documents electronically using the Court’s Electronic Case Filing (“ECF”) system.
  - i. Each applicant must submit a registration form (Exhibit A).
  - ii. Each applicant must complete training provided by the Court.
- B. Upon completing training, a user will be given a log-in and password.
  - i. A user must protect the security of the user’s password.
    - a. A user must not knowingly permit the user’s log-in or password to be used by anyone other than an authorized member or employee of the user’s office or firm.
    - b. A user must immediately notify the Court if the user suspects that the user’s password has been compromised.
  - ii. A user may request a different password at any time by contacting the Court.
- C. By registering to use the Court’s ECF system, a user consents to notice by electronic means in lieu of service by first class mail, by personal service, or by other means required or permitted by the Federal Rules of Bankruptcy Procedure.

II. Filing

- A. Except as provided below, a user may use the Court’s ECF system to file electronically any petition, list, schedule, statement, plan, motion, response,

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II. Filing

- A. Except as provided below, a user may use the Court's ECF system to file electronically any petition, list, schedule, statement, plan, motion, response,

objection, complaint, answer, brief, certificate of service, or other document (collectively, “document”) required to be filed with the Court.

- i. A user may file electronically a motion to file a document under seal. However, the user must file conventionally the actual document to be filed under seal, with a copy of the order granting the motion to file it under seal attached.
- ii. A user may file exhibits, other than those to be offered at a trial or evidentiary hearing, and attachments either electronically or conventionally. However, if the user files conventionally an exhibit or attachment that relates to a motion or other document that was filed electronically, the user must attach a copy of the Notice of Electronic Filing for the underlying motion or other document.
  - a. If a user files electronically an exhibit or attachment that is not available in electronic form, the user must image (scan) and file that exhibit or attachment in Portable Document Format (PDF).
  - b. If a user files electronically an exhibit or attachment that is voluminous, the user is encouraged to extract and file only those portions of the exhibit or attachment that are directly germane to the matter to which the exhibit or attachment relates.
    - I. A user must clearly and prominently identify all excerpted material as such.
    - II. A user who files electronically only a portion of an exhibit or attachment does so without prejudice to the user’s right to timely file additional portions of the exhibit or attachment or the entire exhibit or attachment.
    - III. A responding party may timely file additional portions of the exhibit or attachment or the entire exhibit or attachment.
- iii. A user must submit any exhibit to be offered at a trial or evidentiary hearing conventionally, in the manner prescribed by the Local Bankruptcy Rules.
- iv. A user must file conventionally transcripts, in the manner prescribed

by the Local Bankruptcy Rules.

- B. A user may file electronically mailing lists of creditors and amended mailing lists of creditors. However, the user must prepare such mailing lists and amended mailing lists in accordance with the provisions of LBR 1007-1(a)(2) (Mailing List: Form) and 1009-2 (Amendment to Mailing List) having to do with the preparation of electronically-filed mailing lists and amended mailing lists.

### III. Service

- A. When a document is filed electronically, the Court's ECF system automatically transmits a Notice of Electronic Filing to the filing user and to all other parties in the case who are registered users.
  - i. The parties who will receive the Electronic Notice of Filing are identified on the Notice.
  - ii. The transmittal of the Notice of Electronic Filing to the listed parties constitutes service of the document on them, and no additional service by more traditional means is required.
  - iii. Service by electronic means on registered users is deemed "service by mail" for the purposes of Fed.R.Bankr.P. 9006(f) and LBR 2002-1(d).
- B. When a document is filed electronically, a user must serve the document on any party entitled to service who is not a registered user, in accordance with the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules.

### IV. Required Fees

- A. If a filing fee is required (e.g., for petitions, motions to reopen, amendments, certain other motions, and adversary complaints), a user must submit the required fee within three business days of the electronic filing.
- B. A user's check in payment of any required fee must be attached to a copy of the Notice of Electronic Filing transmitted to the user at the time the document generating the fee was filed electronically.

### V. Signature(s)

- A. Use of the user's login and password to file any document that must bear the user's signature constitutes the user's signature for all purposes with respect to that document.
- B. Use of the user's login and password to file any document that must bear one or more signatures other than the user's (e.g., stipulations), or that requires verification pursuant to Fed.R.Bankr.P. 1008 or an unsworn declaration pursuant to 28 U.S.C. § 1746 (e.g., petitions, lists, schedules, statements, and amendments thereto), constitutes the user's representation that: (1) prior to filing the document electronically, the user obtained all necessary signatures on an original hard copy document; and (2) at the time of the electronic filing, the user has in the user's possession the signed original hard copy document.
  - i. A user may file electronically an imaged (scanned) copy of the document bearing all required signatures in Portable Document Format (PDF).
  - ii. A user may file electronically a text copy of the document, in which event the user shall indicate any original signature(s) on the electronically filed document with "s/Signer's Name" in the appropriate signature space(s).
- C. A user shall retain the originally executed document for a period not less than five years after the case is closed, unless the Court directs that it be retained for a different period.
  - i. A user must make a debtor's original petition, lists, schedules, and statements available for inspection by the trustee, the U.S. Trustee, creditors, and other parties in interest at the debtor's § 341 meeting of creditors and, upon request, at any other mutually convenient time.
  - ii. A user must make a debtor's original petition, lists, schedules, and statements available for inspection by the Court at any time, upon request.

## VI. Effect of Electronic Filing

- A. A user's electronic transmission of a document to the ECF system in

compliance with these guidelines, once confirmed by transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes under the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules and entry of the document on the docket maintained by the Clerk pursuant to Fed.R.Bankr.P. 5003.

- B. When a document has been filed electronically, the electronic recording of the document constitutes the official record of the document, and the user is bound by the document as filed electronically.
- C. When a document has been filed electronically, the document is deemed filed on the date and at the time reflected on the Court's Notice of Electronic Filing.
- D. Filing a document electronically does not alter any filing deadline ("last day to file") for that document. Filing must be completed before midnight (Central Standard Time or Central Daylight Saving Time, whichever is in effect) on the last day to file to be considered timely filed with respect to any such filing deadline.

#### VII. Technical Failure(s)

- A. A user whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court.

#### VIII. Failure to Comply

- A. A user may be subject to sanctions, including, but not limited to, revocation of electronic filing privileges, for failure to comply with this procedure, including specifically ¶¶ I.B.i., II.B., IV.A, V.B., and V.C.

## ELECTRONIC CASE FILING SYSTEM ATTORNEY REGISTRATION FORM

Name (Last, First, Middle Initial):

Last Four Digits of SSN:

Firm Name (if any):

PACER I.D.:

Mailing Address:

Telephone Number:

Fax Number:

E-mail Address:

I have read and agree to abide by the terms of the Court's Electronic Case Filing Administrative Procedures, as amended from time to time. I consent to service by electronic means when permitted under applicable rules and the Court's Electronic Case Filing Administrative Procedures.

Dated: \_\_\_\_\_ Signature: \_\_\_\_\_

## ELECTRONIC CASE FILING SYSTEM ATTORNEY REGISTRATION FORM

Name (Last, First, Middle Initial):

Last Four Digits of SSN:

Firm Name (if any):

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Dated: \_\_\_\_\_ Signature: \_\_\_\_\_